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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@munckcarter.com

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Office Action Summary

Application No.

10/590,920

Applicant(s)

AKHTAR ET AL.

Examiner

THAI D. HOANG

Art Unit

2463

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 5, lines 16 and 19. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Peng et al, US Patent Application Publication No. 2003/0145091 A1, hereafter referred to as Peng.

Regarding claims 1-4, 17 and 25, Peng discloses a method and system called "Access terminal profile in a data cellular network." Peng discloses the system comprising the steps of processing a call initiation request; and contemporaneously, allocating resources within the base station subsystem needed to grant network access to a Mobile Station (an Access Terminal 20 (AT) that can send a connection request message to the Access Network (AN), which in turn allocates radio resources (e.g., a

physical traffic channel) to the AT (step 250) for use in sending/receiving data packets to/from the packet switched data network (step 260), figures 1-2, paragraph [0027].)

Regarding claims 5-6, the system disclosed by Peng inherently comprises software and hardware for allocating channels, therefore, the resources in the Peng's system are inherently both software and hardware resources.

Regarding claims 7 and 26, Peng discloses wherein the method is performed in a routing agent (the ANs transmit and receive data packets to and from ATs over the air interface; it, therefore, performs as a routing agent, paragraphs [0005], [0007], [0022] and [0027].)

Regarding claims 8-9 and 18-19, Peng discloses wherein the resources further comprise resource manager resources (the BSC 35 in the system disclosed by Peng allocates resources for a call, therefore, it inherently performs a resource manager and call processing resources, see figs. 4-5 and p.[0027].)

Regarding claim 10, Peng discloses wherein the step of contemporaneously, allocating resources is performed during user authentication (figures 4 and 8 the steps of allocating is performed during user authentication, steps 450, 460, 845 and 870.)

Regarding claims 11-14, Peng discloses wherein the step of processing the call initiation request is performed at a Base Transceiver Station (the BSC 35 the system disclosed by Peng performs steps of processing the call initiation request as shown in figures 3-7.)

Regarding claim 15, Peng discloses wherein the step of processing the call initiation request is performed at a Packet Control Function (the system comprises Packet Control Functions 40, see fig. 1.)

Regarding claim 16, the system disclosed by Peng inherently comprises at least a MSC to connect and transmit/receive data to/from BSCs with the network.

Regarding claims 20-22 and 23-24, Peng discloses the system comprising the steps of: establishing an A10 interface; allocating Packet Control Function resources for a packet data session in response to establishing the A10 interface; and connecting the PCF resources for the packet data session in response to allocating the PCF resources (see figure 1, Peng discloses the system comprises A10 interfaces, which is connect PCF modules 40 with PDSN 50 to allocate resources for packet data session, paragraphs [0020]-[0023].)

Response to Arguments

Applicant's arguments filed on 7/17/2009 have been fully considered but they are not persuasive.

Regarding claims 1 and 17, pages 12-14, Applicants argued that the AN does not contemporaneously allocate resources while a call initiation request is being processed. Examiner respectfully disagrees. Claim 1 recited:

A method of operating a base station subsystem, comprising the steps of: processing a call initiation request; and
contemporaneously, allocating resources within the base station subsystem needed to grant network access to a Mobile Station.

Since the term "processing" is too broad, therefore, the step of processing is considered including in the step of allocating resource. Therefore, step 250 shown in fig. 2, and paragraph [0027] comprising both processing and allocating steps. Thus, both steps recited in claim 1 are performed contemporaneously in one step 250, considered by the Examiner.

Regarding claims 20 and 23, Applicants argued that the reference does not teach contemporaneously, allocating resources and connecting. Examiner believes that this argument is not relevant because it is directed to subject matter not found in the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THAI D. HOANG whose telephone number is (571)272-3184. The examiner can normally be reached on Monday-Friday 10:30am-19:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ferris Derrick can be reached on (571) 272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Thai D Hoang/
Primary Examiner, Art Unit 2416*